

Case # 16-2021
Date Filed: 29 March 2021

DECISION OF THE ZONING BOARD OF APPEALS
ON THE REQUEST FOR A SPECIAL PERMIT

Owner/Applicant: Charles Hajjar, Trustee of Edgartown Inn Realty Trust
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At a meeting held remotely via Zoom on Wednesday, 21 April 2021, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a special permit under sections 10.1 G 4 & 10.2 A 2 of the zoning bylaw to allow the demolition and reconstruction of an existing building known as 'The Barn' located at the rear of 60 North Water Street (Assr. Pcl. 20D-282) as shown on the site plan submitted by the Sourati Engineering Group and on the elevations and floor plans submitted by Sullivan & Associates dated 29 March 2021. The Board reviewed the application, the plans, and all other materials and information submitted prior to the close of the public hearing. The board received and gave due consideration to the testimony given at the public hearing [See Record of Proceedings].

FACTS:

1. The applicant is proposing to demolish and rebuild an existing structure that contains five guest bedrooms and 1418 sq. ft. of living space. The existing building has foundation is failing and there is structural rot in the frame.
2. The new structure will also contain five guest bedrooms and have approximately 1880 sq. ft. of living space. It will also have a basement with two bedrooms for staff.
3. Several abutters were concerned that the project would result in further noise and congestion on Simpsons Lane and contribute to 'creeping commercialization' in the area. One abutter who shares two property boundaries with the applicant wrote in favor of the proposal. There were no objections to the proposal from town boards or departments.
4. A special permit is required as the proposal involves the expansion of a preexisting, nonconforming use (inn) [10.1 G 4]. Inns are allowed by special permit in the R-5 Residential District [10.2 A 2]
5. The inn has been in operation in Edgartown since the 1840s, well before zoning. The barn has been taxed as an inn or B&B for decades and wastewater records indicate that the barn has contained five-guest rooms since at least 1979 (limit of wastewater records on file).

FINDINGS:

The board finds that the proposal complies with the provisions of 10.1 G 4 & 10.2 A 2 of the bylaw for the following reasons:

1. The project meets or exceeds all setback and height requirements of the R-5 residential district.
2. The board finds that the size and massing of the project are appropriate for the size of the lot and for the neighborhood.

3. The board finds that the project will not substantially increase traffic on Simpsons Lane as the entrance to the barn will be from North Water Street. In addition, according to testimony, fewer than 10% of inn guests bring cars to the property. The inn discourages guests from bringing cars and requires advance permission to do so.
4. The project does not represent a significant intensity of use, as there is no increase in the total number of guest rooms on the property, which will remain at 21.
5. The board finds that the addition of two staff bedrooms in the basement of the barn to be a benefit to the town and the island as a whole, which is suffering from a well-documented shortage of workforce housing.

CONDITIONS:

No additional conditions were placed on this permit.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No 16-2021.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 4 May 2021. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

_____2021

I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: _____